

REMARKS

Claims 13, 14, 19, 41, 60-66, and 73-79 were previously withdrawn from consideration. Claims 1, 2, 4, 46, 51, 52, 68, and 72 are amended as set forth above. Thus, claims 1-46 and 48-79 remain pending in the application. The applicant respectfully requests reconsideration of the application in accordance with the following remarks.

In the Office Action dated May 6, 2004, the Examiner rejected claim 2 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and claim the subject matter which applicant regards as the invention. In particular, the Examiner states that it “is unclear as to what is positively claimed, as it is unclear as to what EIA-310 standards values are, and as standards frequently change.” The applicant has amended claim 2 to recite EIA-310 standards, revision D. With respect to the assertion that it is unclear what EIA-310 standards values are, persons of ordinary skill in the art know or can easily determine what the EIA-310 standards are. The EIA-310 standards have been used in the art for decades and are well known to persons of ordinary skill in the art. Furthermore, EIA-310 standards, revision D, do not change. Accordingly, the Applicant respectfully requests that the rejection of claim 2 be withdrawn.

Claims 1-12, 16-18, 23-27, 30-36, 38-40, 48-58, and 67-72 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Jensen et al., U.S. Patent No. 6,220,456. The Jensen reference discloses a rack system having two posts. Support rails are mounted to the two posts for supporting computer equipment that is specially adapted for use with the support rails. *See* col. 3, lines 10-17. Each support rail includes a slot for accepting bolts that protrude from each side of a computer component chassis. The rails thereby provide vertical support for the chassis. *See* col. 3, lines 31-45.

The Jensen reference does not disclose or suggest all of the limitations of claim 1. Claim 1 as amended recites, among other things, an equipment attachment means coupled to a first lateral end of a vertical support member. The equipment attachment means defines a vertical supporting point for a load. The Jensen reference does not disclose a vertical support member that has, coupled to a first lateral end of the vertical support member, an equipment attachment

means that defines a vertical supporting point for a load. In the Jensen reference, the slots provide vertical support for the computer component. *See* col. 3, lines 41-44; col. 4, lines 33-49. The slots are located along the length of a middle portion of the support rails. *See* Figs. 2-3. Thus, contrary to the assertions made in the Office Action, the support rails do not include an equipment attachment means coupled to a first lateral end of the support rail and defining a vertical supporting point for a load.

Although the Examiner asserts in response to the applicant's previous arguments that the flange 30 defines a supporting point for a load via the hole in the flange 30, the Jensen reference does not disclose that the hole in the flange provides a supporting point. Instead, the reference specifically states that vertical support is provided by the slots 26 in the support rails 20, which engage bolts 104 on the side of the chassis 12. The flange 30 merely serves to guide the chassis into the gap between rails attached to opposite posts. *See* col. 3, lines 63-64. The reference does not describe the purpose of the hole in the flange 30, but, based on the drawings and the description of the slots 26 in the support rails as providing vertical support, the hole in the flange 30 appears to be for purposes of preventing horizontal movement of the chassis 12 relative to the rails 20. *See* col. 3, lines 44-45. There is no teaching or suggestion of an equipment attachment means coupled to a first lateral end and defining a vertical supporting point for a load. Accordingly, the Jensen reference does not teach or suggest the invention defined by claim 1 or by any of its dependent claims.

Claim 2, as amended, further recites that the supporting point emulates a vertical upright in a four-post equipment rack having a hole pattern that complies with EIA-310 standards, revision D. The EIA-310 standards, revision D, define a particular spacing of holes. The Jensen reference does not teach or suggest a supporting point that emulates a vertical upright in a four-post equipment rack having a hole pattern that complies with EIA-310 standards, revision D. The slot that provides support in the system described by the Jensen reference does not include a hole pattern that complies with the EIA-310 standards, revision D. Accordingly, claim 2 is neither taught nor suggested by the Jensen reference.

Claim 4, as amended, recites that the load comprises a sliding assembly adapted to secure an additional load thereto, the sliding assembly attached to the equipment attachment means and providing slidable support for the additional load with respect to the vertical support member. Jensen et al. does not teach or suggest a load comprising a sliding assembly adapted to secure an additional load thereto. In addition, the reference also fails to teach or suggest a sliding assembly attached to the equipment attachment means and providing slidable support for the additional load with respect to the vertical support member. The support rail described in the Jensen reference allows horizontal movement of the computer component chassis for purposes of installing the chassis 12 into the rack 10. *See* col. 3, lines 31-45. The support rail, however, does not constitute a sliding assembly. As defined in the claim, an equipment attachment means is coupled to a first lateral end of a vertical support member. The equipment attachment means defines a supporting point for a load that comprises a sliding assembly. The sliding assembly is adapted to secure an additional load. Thus, the sliding assembly is separate from the vertical support member and separate from an additional load that can be secured to the sliding assembly. The Jensen reference fails to teach or suggest a sliding assembly that is separate from a vertical support member and from an additional load. Accordingly, the Jensen reference fails to teach or suggest the limitations of claim 4.

Claim 9 recites that the means for securing the coupling member to the two-post rack comprises a rack attachment flange coupled to the second lateral end of the vertical support member. The Jensen reference does not disclose a rack attachment flange coupled to a second lateral end of a vertical support member. The disclosed support rail is attached to the rack using a bracket 22 connected near the middle of the support rail, and not using a flange coupled to a lateral end of the support rail. *See* Fig. 3.

The Examiner asserts that the bracket 22 defines a second lateral end. However, the bracket is located near the middle of the support rail 20. The middle of the support rail is not the same as an end of the support rail. An "end" is defined as "the part of an area that lies at the boundary;" "a point that marks the extent of something;" or "the extreme or last part lengthwise." *Merriam-Webster's Collegiate Dictionary* (10th ed. 1996). Therefore, the reference

does not teach or suggest the limitations of claim 9, and claim 9 and its dependent claims are allowable over the Jensen reference.

Independent claim 31 recites a first coupling member coupled at a lateral end to, and independently extending substantially horizontally outward from, a first post and a second coupling member coupled at a lateral end to, and independently extending substantially horizontally outward from, a second post. The first coupling member replicates at least one post in a four-post equipment rack, and the second coupling member replicates at least one post in the four-post equipment rack. As discussed above in connection with claim 9, the Jensen reference fails to teach or suggest coupling members that are coupled at a lateral end to a first or a second post in a two-post rack. Accordingly, claim 31 and its dependent claims are neither taught nor suggested by the Jensen reference.

Independent claim 46, as amended, recites a method that includes coupling independent four-post replicating mounting points on a two-post equipment rack. The mounting points comprise two or more independent coupling members that are each adapted to support four-post loads at a first lateral end and to attach to only one respective post at a second lateral end. The Jensen reference does not teach coupling members that are adapted to support four-post loads at a first lateral end and to attach to a post at a second lateral end. Similar to the discussion with respect to claim 1, the support rail described in the reference is adapted to support a load using a slot that is located substantially along a length of the support rail but not at a lateral end. Furthermore, as discussed with respect to claim 9, the support rail attaches to a post using a bracket near the middle of the support rail rather than at an end. Thus, the Jensen reference does not teach or suggest the invention defined by claim 46 or any of its dependent claims.

Independent claim 51, as amended, recites a first coupling member and a second coupling member that emulate two of the four posts in a four-post rack with each emulated post defining a vertical supporting point for a load. As described in the specification, a four-post rack provides four vertical uprights, or posts, used for attaching equipment. The Jensen reference does not teach or suggest coupling members that emulate posts in a four-post rack, with each emulated post defining a vertical supporting point for a load. Among other things, the hole in the flange

30 does not define a vertical supporting point for a load. Furthermore, the support rails in Jensen do not emulate posts in a four-post rack. Thus, claim 51 and its dependent claims are not anticipated by or obvious in view of the Jensen reference.

Independent claim 52 recites coupling a third coupling member to the first post substantially planar to and substantially parallel to the first coupling member and coupling a fourth coupling member to the second post substantially planar to and substantially parallel to the second coupling member. The Jensen reference does not teach or suggest a third coupling member that is substantially planar to a first coupling member or a fourth coupling member that is substantially planar to a second coupling member. Furthermore, the reference does not teach coupling members that emulate posts in a four-post rack. Therefore, claim 52 and its dependent claims are not anticipated by or obvious in view of the Jensen reference.

Independent claim 67 recites an equipment support device that includes a rack attachment means, an equipment attachment means coupled to the rack attachment means, and a coupling feature for connecting the support device to adjacent equipment support devices. The Examiner asserts that adjacent support devices 20 rest upon each other and are therefore connected to one another. Although the Jensen reference does not explicitly state that that the adjacent support rails 20 rest upon each other, Figure 1 suggests that they might. However, simply being in contact with one another does not teach or suggest a coupling feature for connecting one support device to an adjacent support device. The applicant respectfully traverses the Examiner's contention that support rails resting upon each other equates to being connected to one another. Accordingly, claim 67 is not taught or suggested by the Jensen reference.

Independent claims 68 and 72 recite a two-post to four-post adapter operable to support a device having a four-post rack-mounting configuration and mounting the device to the two-post to four-post adapter. The four-post rack-mounting configuration is a configuration for mounting a device on a four-post rack, wherein the device is supported solely by the posts in the four-post rack. The Jensen reference does not disclose or suggest a four-post rack-mounting configuration. The computer component chassis that is supported in the disclosed system does not have a four-post rack-mounting configuration nor is the support rail operable to support a device having a

four-post rack-mounting configuration. Instead, the support rail serves to support the computer component chassis using stand-off bolts that engage the support rails. Thus, the Jensen reference does not disclose or suggest the limitations of claims 68 and 72 and their respective dependent claims.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jensen et al. Although the Examiner states that Jensen et al. fails to disclose a coupling member wherein first and second torsion members have terminating portions formed at an obtuse angle relative to a vertical support member, the Examiner asserts that a change in the shape of a prior art device is a design consideration within the skill of the art, citing In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). The decision in Dailey, however, was based on a finding that there was nothing significant about the particular configuration of the container at issue in that case. *See id.* at 672-673. Moreover, in overturning an examiner's rejection in a different application, the Board of Patent Appeals and Interferences subsequently distinguished the holding in Dailey based on a finding that shape was significant because the specification discussed the shape of an article as solving a stated problem. Ex parte Moore, Appeal No. 96-2852, 1996 WL 1796237 (Bd. Pat. App. & Interf. 1996). Similarly, in the present application, the obtuse angle is described as solving a stated problem. *See* Application No. 10/008,766, p. 9, lines 9-16. Accordingly, the shape is significant in this case, and claim 22 is allowable over the cited reference.

The applicant notes with appreciation that claims 15, 20, 21, 28, 29, 37, 42, 43, and 59 include allowable subject matter. As noted in the foregoing remarks, however, the applicant believes the claims, as amended, are allowable without rewriting these claims in independent form.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this

Applicant : Robert H. Mimlitch, III et al.
Serial No. : 10/008,766
Filed : November 7, 2001
Page : 21 of 21

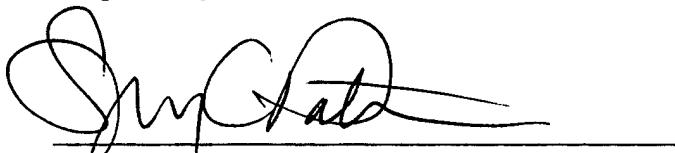
Attorney's Docket No.: 14489-003001

paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The applicant respectfully submits that the application is in condition for allowance and requests a notice to that effect.

Enclosed is a check in the amount of \$490.00 for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,



Spencer C. Patterson
Reg. No. 43,849

PTO Customer No. 26231
Fish & Richardson P.C.
5000 Bank One Center
1717 Main Street
Dallas, Texas 75201
Telephone: (214) 292-4082
Facsimile: (214) 747-2091